



General Assembly

January Session, 2007

***Raised Bill No. 1067***

LCO No. 3686

\*03686\_\_\_\_\_PH\_\*

Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT AUTHORIZING CIVIL FINES FOR HOSPITAL VIOLATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-494 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) The Commissioner of Public Health, after a hearing held in  
4 accordance with the provisions of chapter 54, may take any of the  
5 following actions, singly or in combination, in any case in which [he]  
6 the commissioner finds that there has been a substantial failure to  
7 comply with the requirements established under this chapter, the  
8 Public Health Code and licensing regulations:

- 9 (1) Revoke a license or certificate;
- 10 (2) Suspend a license or certificate;
- 11 (3) Censure a licensee or certificate holder;
- 12 (4) Issue a letter of reprimand to a licensee or certificate holder;
- 13 (5) Place a licensee or certificate holder on probationary status and

14 require [him] the licensee or certificate holder to report regularly to the  
15 department on the matters [which] that are the basis of the probation;

16 (6) Restrict the acquisition of other facilities for a period of time set  
17 by the commissioner; [and]

18 (7) Issue an order compelling compliance with applicable statutes or  
19 regulations of the department; and

20 (8) Impose a civil penalty of not more than ten thousand dollars for  
21 each violation of an applicable statute or regulation. Each violation  
22 shall be a separate and distinct offense and, in the case of a continuing  
23 violation, each day of continuance thereof shall be deemed to be a  
24 separate and distinct offense.

25 (b) Notice of the hearing to the holder of a license or certificate shall  
26 be effected by registered or certified mail or by personal service,  
27 setting forth the particular reasons for the proposed action and fixing a  
28 date, not less than thirty days from the date of such mailing or service,  
29 at which the holder of such license or certificate shall be given an  
30 opportunity for a prompt and fair hearing, and witnesses may be  
31 subpoenaed by either party for such hearing. Such hearing may be  
32 conducted by the Commissioner of Public Health, a deputy  
33 commissioner, or by a member of the Department of Public Health,  
34 designated by said commissioner. On the basis of such hearing, or  
35 upon default of the holder of such license or certificate, the person  
36 conducting such hearing shall specify [his] findings and conclusions,  
37 and said department may, upon the basis of such findings and  
38 conclusions take any action authorized by this section that it deems  
39 necessary. A copy of such decision shall be sent by registered or  
40 certified mail or served personally upon the holder of such license or  
41 certificate.

<p>This act shall take effect as follows and shall amend the following sections:</p>
--

Section 1	<i>October 1, 2007</i>	19a-494
-----------	------------------------	---------

***Statement of Purpose:***

To authorize the Department of Public Health to impose civil fines on health care facilities that fail to comply with applicable statutes and regulations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*